

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6089

BILL NUMBER: SB 433

NOTE PREPARED: Feb 2, 2015

BILL AMENDED:

SUBJECT: Shotguns.

FIRST AUTHOR: Sen. Tomes

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: ☒ **GENERAL**
☐ **DEDICATED**
☐ **FEDERAL**

IMPACT: State

Summary of Legislation: This bill has the following provisions:

- A. *Repeal of State Law* – It repeals the prohibition against manufacturing, importing, selling, or possessing a sawed-off shotgun.
- B. *Ten-Year Sentence Enhancement* – It provides for a 10-year sentence enhancement if a person possesses a sawed-off shotgun in violation of federal law while committing certain offenses.
- C. It makes conforming amendments.

Effective Date: July 1, 2015.

Explanation of State Expenditures: *Repeal of Shotgun Prohibition* - A person who is convicted of manufacturing, importing, selling, or possessing a sawed-off shotgun commits a Level 6 felony under current law. Repealing this prohibition would have a minimal effect on the Department of Correction's (DOC) offender population. The number of persons who have been convicted and sentenced to DOC for this felony are shown in the table below.

Offenders Committed to DOC Facilities by Calendar Year For Dealing in Sawed Off Shotguns					
2008	2009	2010	2011	2012	2013
2	2	5	2	1	0

A Level 6 felony is punishable by a prison term ranging from 6 to 30 months or reduction to Class A

misdeemeanor, depending upon mitigating and aggravating circumstances. The advisory sentence is one year. Level 6 offenders can receive good time credit of 50%. Consequently, Level 6 offenders can be released from prison after serving one half of the sentence.

The average expenditure to house an adult offender was \$19,497 in FY 2014. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,210 annually, or \$8.77 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$89,956 in FY 2014.

Ten-Year Sentence Enhancement - The ten-year sentence enhancement should have no effect on DOC. Current state law permits a court to sentence a person to an additional fixed term of imprisonment of not more than ten years for possessing a sawed-off shotgun while dealing in a controlled substance. Since Indiana's definition of a sawed-off shotgun is nearly identical to the federal definition of a short-barrel shotgun, persons convicted of dealing in these weapons would receive the same ten-year sentence enhancement as under current law.

IC 35-47-1-10 defines a sawed-off shotgun as:

- (1) a shotgun having **one (1) or more barrels less than 18 inches in length**; and
- (2) any weapon made from a shotgun (whether by alteration, modification, or otherwise) if the weapon as modified has an **overall length of less than 26 inches**.

18 U.S.C. § 921 defines short-barrel shotguns as:

... having **one or more barrels less than 18 inches in length** and any weapon made from a shotgun (whether by alteration, modification or otherwise) if such a weapon as modified has an **overall length of less than 26 inches**.

Additional Information – The U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives reported that 8,637 short-barreled shotguns are registered with the Bureau as of March 2014.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected:

Information Sources: DOC Offender Information System; 18 U.S.C. § 921; U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives: *Firearms Commerce in the United States Statistical Update 2014*.

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